

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 225

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Sub-Chapter 1

Organizational Rule

24.225.101 BOARD ORGANIZATION (1) The board of veterinary medicine hereby adopts and incorporates the organizational rules of the department of labor and industry as listed in chapter 1 of this title. (History: 37-18-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; TRANS, from Commerce, 2005 MAR p. 323.)

Sub-Chapter 2

Procedural Rules

24.225.201 PROCEDURAL RULES (1) The board of veterinary medicine hereby adopts and incorporates the procedural rules of the department of labor and industry as listed in chapter 2 of this title. (History: 37-18-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; TRANS, from Commerce, 2005 MAR p. 323.)

24.225.202 PUBLIC PARTICIPATION RULES (1) The board of veterinary medicine hereby adopts and incorporates by this reference the public participation rules of the department of commerce as listed in chapter 2 of Title 8. (History: 37-18-202, MCA; IMP, 2-3-103, MCA; NEW, 1978 MAR p. 612, Eff. 4/25/78; TRANS, from Dept. of Prof & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; TRANS, from Commerce, 2005 MAR p. 323.)

Subchapter 3

Definitions

24.225.301 DEFINITIONS (1) "Emergency" shall mean any instance in which an animal has a condition that threatens its life and immediate treatment is required to sustain life.

(2) "For remuneration or hire" shall mean direct or indirect payment for the services rendered. This includes not only monetary payments but also payment by giving or receiving of material goods or services.

(3) "Occasional case" shall mean no more than two cases per year.

(4) "Support personnel" shall mean any person employed by a licensed veterinarian who assists a licensed veterinarian in the practice of veterinary medicine.

(5) A "veterinarian/client/patient relationship" exists when all of the following conditions have been met:

(a) the veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal(s) and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions;

(b) the veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s) or by medically appropriate and timely visits to the premises where the animal(s) are kept; and

(c) the veterinarian is available for follow-up evaluation in the event of adverse reactions or failure of the treatment regimen.

(6) "Veterinary prescription drugs" means those drugs restricted by federal law to use by or on the order of a licensed veterinarian (section 503(f) Food, Drug and Cosmetic Act). The law requires that such drugs be labeled with the statement: "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian." (History: 37-1-131, 37-18-202, MCA; IMP, 37-18-102, 37-18-104, MCA; NEW, Eff. 5/5/77; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1998 MAR p. 464, Eff. 2/13/98; AMD, 1999 MAR p. 411, Eff. 3/12/99; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 766, Eff. 3/24/06.)

Subchapter 4

General Provisions

24.225.401 FEE SCHEDULE

(1) Veterinarians	
(a) Renewal of license	\$ 65
(b) Application for examination	200
(c) Application for licensees from other states	200
(d) Temporary permit	50
(2) Embryo transfer technicians	
(a) Application for examination	450
(b) Renewal of certification	65
(3) Euthanasia technicians and agencies	
(a) Technician application	80
(b) Technician renewal	70
(c) Agency application	150
(d) Agency renewal	125
(e) Agency inspection	200
(4) Additional standardized fees are specified in ARM 24.101.403. (History: 37-1-134, 37-18-202, 37-18-603, MCA; <u>IMP</u> , 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-18-302, 37-18-603, MCA; <u>NEW</u> , 1980 MAR p. 1189, Eff. 4/11/80; <u>TRANS</u> , from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; <u>AMD</u> , 1982 MAR p. 1047, Eff. 5/14/82; <u>AMD</u> , 1988 MAR p. 1523, Eff. 7/15/88; <u>AMD</u> , 1991 MAR p. 2030, Eff. 11/1/91; <u>AMD</u> , 1995 MAR p. 2800, Eff. 12/22/95; <u>AMD</u> , 1996 MAR p. 2579, Eff. 10/4/96; <u>AMD</u> , 1996 MAR p. 3214, Eff. 12/20/96; <u>AMD</u> , 1999 MAR p. 1126, Eff. 5/21/99; <u>AMD</u> , 2004 MAR p. 1324, Eff. 6/4/04; <u>TRANS</u> , from Commerce, 2005 MAR p. 323; <u>AMD</u> , 2006 MAR p. 1583, Eff. 7/1/06; <u>AMD</u> , 2008 MAR p. 633, Eff. 4/11/08.)	

Rule 24.225.402 reserved

24.225.403 FEE ABATEMENT (1) The Board of Veterinary Medicine adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2006 MAR p. 766, Eff. 3/24/06.)

Rule 24.225.404 reserved

24.225.405 SUPPORT PERSONNEL (1) Support personnel shall work under the supervision of a veterinarian licensed and residing in Montana, who is responsible for the services performed by the support personnel. Support personnel shall not diagnose, initiate treatment, perform surgery, prescribe medicine, prognosticate or accept a direct fee for services rendered as support personnel. Support personnel may only administer anesthesia when the supervising veterinarian is physically present.

(2) The supervising veterinarian is responsible for determining the competency of the support personnel to perform animal health care tasks delegated to the support personnel. In addition, the supervising veterinarian shall be responsible for making all decisions relative to the diagnosis, treatment, management and future disposition of the animal patient.

(a) When the supervising veterinarian is on the premises, the veterinarian shall examine the animal patient before delegating any tasks to support personnel;

(b) When the supervising veterinarian is not on the premises, the veterinarian must instruct support personnel by radio or telephone as to the appropriate action to take. These instructions are to be recorded in writing by the support personnel in the animal patient's file and initialed and dated by the supervising veterinarian within 24 hours.

(3) A veterinary support person may, under the general authority and at the responsibility of his/her veterinary employer, render emergency care to a patient without direct authorization when it would appear that to delay treatment and care for the time necessary to send the animal to another practitioner would be life threatening. Such care may be rendered only after reasonable efforts have been made to contact the employing veterinarian or another veterinarian who could manage the case within allowable time constraints. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1998 MAR p. 464, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.406 through 24.225.409 reserved

24.225.410 RECORD KEEPING STANDARDS (1) The required standards of practice of veterinary medical record keeping are as follows:

(a) Patient medical records, either written or electronic, shall be maintained for every animal accepted and treated as an individual patient by a veterinarian, and for every animal group (e.g., herd, litter, flock) treated by a veterinarian. These records shall be maintained and stored in an orderly manner lending itself to retrieval.

(b) When appropriate, licensees may substitute the words "herd," "flock" or other collective term in place of the word "patient" of this section. Records to be maintained on these animals may be kept in a daily log, or the billing records, provided that the treatment information that is entered is adequate to substantiate the identification of these animals and the medical care provided. In no case does this eliminate the requirement to maintain drug records as specified by state and federal law and board rules.

(c) The following data shall be clearly noted:

- (i) name, address and phone number of owner or agent;
 - (ii) description, sex (if readily determinable), breed and age of or description of group;
 - (iii) date animal or group was seen, admitted, discharged;
 - (iv) results of examination, condition, diagnoses suspected;
 - (v) all medication, treatment, prescriptions or prophylaxis given, including amount and frequency for both inpatient and outpatient care;
 - (vi) diagnostic and laboratory tests or techniques utilized, and results of each.
- (d) Veterinarians who practice with other veterinarians shall indicate by recognizable means on each patient's or animal group's medical record any treatment he/she has performed, or which he/she has directed support personnel to perform.

(e) All radiographs shall be permanently labeled to identify the veterinarian or premise, the patient, the owner, the date and anatomical orientation.

(f) Medical records of both individual and group patients shall be maintained for a minimum of three years after the last visit.

(g) Consent forms, if used, should be part of the medical record. (History: 37-1-131, 37-1-319, 37-18-202, MCA; IMP, 37-1-131, 37-1-316, 37-1-319, MCA; NEW, 1999 MAR p. 1509, Eff. 7/2/99; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.411 through 24.225.414 reserved

24.225.415 MANAGEMENT OF INFECTIOUS WASTES (1) Each veterinarian licensed by the board shall store, transport off the premises, and dispose of infectious wastes, as defined in 75-10-1003, MCA, in accordance with the requirements set forth in 75-10-1005, MCA. (History: 37-1-131, 37-18-202, 75-10-1006, MCA; IMP, 75-10-1006, MCA; NEW, 1994 MAR p. 1993, Eff. 7/22/94; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Rules 24.225.416 through 24.225.419 reserved

24.225.420 INSPECTION AND SANITATION (1) The board may perform, or have performed in its behalf, inspections of any licensed veterinarian's premises at any time to provide uniform standards of sanitation and cleanliness in the public interest.

(2) The premises of any veterinarian may be evaluated on the following items:

- (a) office and reception area, practice vehicle, small and large animal exam room, housing and surgery areas, waste disposal, insect control, grounds and odor;
- (b) the board may add or delete in these inspection items as conditions and problems change.

(3) Inspections and sanitation check reports shall be supplied to each licensed veterinarian who has been inspected, with the board's recommendations.

(4) The board shall allow adequate time for their recommendations to be implemented by the licensed veterinarian.

(5) Should progress not be reported in removing items from the unsatisfactory category by the second inspection, the board shall direct the licensed veterinarian to appear before the board at the next meeting, or have him write a letter of explanation.

(6) If, in the opinion of the board, the licensee has not made satisfactory progress or if the explanation is unsatisfactory, it shall issue a letter of warning to the licensed veterinarian to immediately start placing his premises in a clean and sanitary condition. Failure to do so may serve as cause for initiating suspension or revocation of license provided under 37-18-311, MCA. (History: 37-18-202, MCA; IMP, 37-18-311, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.421 through 24.225.424 reserved

24.225.425 NONROUTINE APPLICATIONS (1) All applications for licensure will be considered nonroutine in nature and will be reviewed and approved by the board prior to issuance of the license. (History: 37-1-131, 37-18-202, MCA; IMP, 37-1-101, 37-1-131, 37-18-301, MCA; NEW, 2008 MAR p. 633, Eff. 4/11/08.)

Subchapter 5

Licensing

24.225.501 TEMPORARY PERMITS (1) An applicant requesting a temporary permit must submit an application for a temporary permit to the board and must have on file with the board a completed licensing application, the proper fee, and any information as the board may require pursuant to ARM 24.225.503 or 24.225.507.

(2) An applicant for licensure may be issued a temporary permit if the applicant is working under the supervision of a veterinarian licensed in and practicing in Montana.

(3) The responsibility for the standard of care provided by a temporary licensee employee remains with the supervising veterinarian.

(4) A temporary permit is valid for six months. An extension may be granted by the board for a verifiable and rational reason. (History: 37-1-319, 37-18-202, MCA; IMP, 37-1-305, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1998 MAR p. 464, Eff. 2/13/98; AMD, 2000 MAR p. 2303, Eff. 8/25/00; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

24.225.502 OCCASIONAL CASE EXEMPTION (1) The board, in its discretion, may grant an exemption to a veterinarian not licensed in Montana who renders veterinary services in this state, provided that the veterinarian:

(a) submits a written request to the board, describing the date, place, and the scope of practice and/or the procedures to be performed prior to such service;

(b) submits proof of veterinary licensure (active and in good standing in another state or territory of the United States or Canada);

(c) submits a signed statement from a veterinarian licensed in this state who will be in attendance and will assume continuing care for the veterinary patient; and

(d) limits the service to an occasional case as defined in board rule. (History: 37-1-131, 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 2006 MAR p. 766, Eff. 3/24/06.)

24.225.503 Examination Application Requirements

(1) Applicants for licensure by examination in the state of Montana shall submit a completed application with the proper fee and supporting documents to the board office. Every year, applicants for the North American Veterinary Licensing Examination (NAVLE) wishing to sit as a Montana candidate shall submit the Montana state licensure application to the board no later than August 1 for the fall NAVLE administration or January 3 for the spring NAVLE administration. Montana NAVLE candidates shall submit the NAVLE application and fee directly to the National Board of Veterinary Medical Examiners. Supporting documents for the Montana state licensure application must include:

(a) a certified transcript from a school of veterinary medicine accredited or approved by the American Veterinary Medical Association Council on Education showing evidence of graduation in and receiving a degree;

(i) senior veterinary students who have not yet graduated, when submitting the application, shall submit a letter from the dean of the school of veterinary medicine attended, stating that the applicant is a senior student and the expected date to receive the degree of doctor of veterinary medicine or its equivalent. No license shall be issued, however, until such time as the board office receives a certified copy of the transcript.

(b) photograph approximately 2" x 2" taken within one year of the date of application;

(c) if applicable, official written verification of licensure from any state of licensure past or present; and

(d) the candidate's work history of all employment concurrent as well as consecutive starting at the date of application and working back to graduation.

(2) All applicants must:

(a) pass the NAVLE at or above the designated passing standard established by the national examination entity as approved by the board within 62 months; or

(b) have passed the National Board Examination and the Clinical Competency Test within 62 months with a converted score of 70 or greater and have their scores reported to the board office through the official score reporting agency; and

(c) pass the board's jurisprudence exam with a score of 70 percent or greater. If the candidate fails the jurisprudence exam twice, the candidate must appear before the board prior to taking it a third time.

(3) Foreign veterinary school graduates shall either have completed the requirements of the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates (ECFVG) as evidenced by a copy of the ECFVG certificate, or must have completed the requirements of the Program for the Assessment of Veterinary Education Equivalence (PAVE) as evidenced by a copy of the PAVE certificate before an application will be accepted.

(a) For specific information on the requirements of the ECFVG, contact the American Veterinary Medical Association, ECFVG, 1931 North Meacham Road, Suite 100, Schaumburg, IL 60173. For specific information on the requirements of the PAVE, contact the American Association of Veterinary State Boards at 4106 Central, Kansas City, MO 64111.

(4) An application for examination shall expire 18 months from the date of the application. An applicant who, for any reason, fails or neglects to complete the licensing process within 18 months shall be required to file another application and submit another application fee. (History: 37-1-131, 37-18-202, MCA; IMP, 37-1-131, 37-18-302, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 1047, Eff. 5/14/82; AMD, 1983 MAR p. 1663, Eff. 11/11/83; AMD, 1986 MAR p. 948, Eff. 5/30/86; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1998 MAR p. 464, Eff. 2/13/98; AMD, 2000 MAR p. 2303, Eff. 8/25/00; AMD, 2003 MAR p. 1288, Eff. 6/27/03; AMD, 2004 MAR p. 327, Eff. 2/13/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

24.225.504 EXAMINATION FOR LICENSURE (1) The examination for licensure as a veterinarian shall consist of:

(a) the National Board Examination and the Clinical Competency Test pursuant to the requirements set forth in ARM 24.225.503, which must have been passed with a converted score of 70 or greater. The scores must be received by the board from the official score reporting agency; or

(b) the NAVLE pursuant to the requirements set forth in ARM 24.225.503, which must have been passed at or above the designated passing standard established by the national examination entity as approved by the board. The scores must be received by the board from the official score reporting agency; and

(c) a jurisprudence examination as composed and corrected by the board, which measures the competence of the applicant regarding the statutes and rules governing the practice of veterinary medicine in Montana. The jurisprudence examination must be passed with a score of 70 percent or greater.

(2) Any applicant who has failed the jurisprudence examination may apply to be reexamined at a subsequent examination but may not retake the examination for six months. (History: 37-18-202, MCA; IMP, 37-18-303, MCA; NEW, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 948, Eff. 5/30/86; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1996 MAR p. 3214, Eff. 12/20/96; AMD, 2000 MAR p. 2303, Eff. 8/25/00; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.505 and 24.225.506 reserved

24.225.507 LICENSURE ENDORSEMENT OF OUT-OF-STATE

APPLICANTS (1) A license to practice veterinary medicine in the state of Montana may be issued at the discretion of the board provided the applicant meets all of the following requirements:

(a) The candidate has graduated from and holds a degree from a school of veterinary medicine accredited or approved by the American Veterinary Medical Association Council on Education as evidenced by a certified copy of the transcript sent directly from the veterinary school. Graduates of foreign veterinary schools shall have completed the requirements of the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE).

(b) The candidate has passed:

(i) the NAVLE at or above the designated passing standard established by the national examination entity as approved by the board;

(ii) the National Board Examination and the Clinical Competency Test with a converted score of 70 or greater as received by the board from the official score reporting agency; or

(iii) the National Board Examination with a converted score of 70 or greater and has been licensed on the basis of a competency (not jurisprudence) examination by a veterinary board under the laws of another state of the United States or a Canadian province.

(c) The candidate holds a valid and unrestricted license to practice veterinary medicine in another state or jurisdiction, and has been actively in practice for three of the five years immediately preceding the date of application to Montana. Official written verification of such licensure status must be received by the board directly from the other states or jurisdictions.

(d) The candidate provides a work history of all employment, concurrent as well as consecutive, starting at the date of application and working back to graduation.

(e) The candidate has completed and filed with the board an application for licensure and the required application fee.

(f) The candidate has passed a jurisprudence examination prepared to measure the competence of the applicant regarding the statutes and rules governing the practice of veterinary medicine in Montana with a score of 70 percent or greater. If the candidate fails the jurisprudence examination twice, the candidate must appear before the board prior to taking it a third time.

(2) An application for endorsement shall expire 18 months from the date of receipt of the application. (History: 37-1-131, 37-18-202, MCA; IMP, 37-1-304, MCA; NEW, 1995 MAR p. 2800, Eff. 12/22/95; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 2000 MAR p. 2303, Eff. 8/25/00; AMD, 2002 MAR p. 1984, Eff. 7/26/02; AMD, 2004 MAR p. 327, Eff. 2/13/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 766, Eff. 3/24/06; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Rules 24.225.508 and 24.225.509 reserved

24.225.510 RENEWALS (1) Renewal notices will be sent as specified in ARM 24.101.414.

(2) The proper renewal of certificate of registration fee and completed renewal form are due by the date set by ARM 24.101.413.

(3) The provisions of ARM 24.101.408 apply. (History: 37-1-141, 37-18-202, MCA; IMP, 37-1-141, MCA; Eff. 12/31/72; AMD, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; AMD, 1989 MAR p. 1195, Eff. 8/18/89; AMD, 1996 MAR p. 2579, Eff. 10/4/96; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

24.225.511 CONTINUING EDUCATION (1) Each veterinarian licensed shall be required to obtain every two years a minimum of 20 credit hours of continuing education approved by the board. The credit hours must be obtained within the 24 months prior to renewal on the date set by ARM 24.101.413 of the even-numbered years. Licensees licensed less than two full calendar years but more than one full calendar year on their first continuing education reporting date shall be required to submit ten hours of continuing education.

(a) It is the responsibility of the veterinarian to maintain proof of the veterinarian's continuing education attendance and to certify compliance on the renewal application in the even-numbered years only. During the renewal process in the odd-numbered years, no continuing education is to be certified.

(i) Proof of continuing education attendance must be in the form of a certificate of completion and/or program containing the following information:

- (A) name of licensee;
- (B) name of presenter;
- (C) title of presentation;
- (D) date of presentation;
- (E) number of hours; and
- (F) presentation format.

(b) A veterinarian may be granted a grace period of three months after the deadline set by ARM 24.101.413 in which to fulfill the continuing education requirements. This grace period shall be granted only upon written request to the board, payment of the renewal fee, and payment of the late penalty fee. A license to practice veterinary medicine valid for the duration of the grace period will be issued to those persons granted a grace period.

(c) Continuing education credits obtained during a grace period cannot be used for the next reporting period.

(2) Credit hours shall be earned by one hour credit for each hour of attendance at or participation in meetings and programs approved by the board. Board approved programs include but are not limited to those sponsored by the American Veterinary Medical Association, American Animal Hospital Association, western states veterinary conferences, veterinary college conferences, state association meetings, Registry of Approved Continuing Education (RACE) approved programs, and any other affiliated association, society, etc. related to veterinary medicine that have specific topics for veterinarians. Programs shall be of a professional veterinary nature to qualify, with the number of practice management hours reported not to exceed 25 percent of the total required continuing education hours.

(3) Continuing education courses offered and completed on the Internet or via other similar electronic means may be accepted, if all criteria listed in (1) and (2) are met, for a maximum of ten credits.

(4) The board will randomly audit two percent of the licensees and all licensees requesting a grace period each continuing education year. Certificates of completion and/or programs must be submitted upon request of the board.

(5) New licensees who are applying for their first license renewal are not required to report continuing education.

(6) If a licensee is unable to acquire sufficient continuing education credits, the licensee may request a hardship exemption. All requests for exemptions will be evaluated by the board on an individual basis. (History: 37-1-131, 37-1-319, 37-18-202, MCA; IMP, 37-1-131, 37-1-141, 37-1-306, MCA; NEW, Eff. 4/5/76; AMD, 1978 MAR p. 1332, Eff. 8/25/78; AMD, 1979 MAR p. 154, Eff. 2/16/79; AMD, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; AMD, 1989 MAR p. 1195, Eff. 8/18/89; AMD, 1991 MAR p. 2030, Eff. 11/1/91; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1999 MAR p. 411, Eff. 3/12/99; AMD, 2003 MAR p. 1288, Eff. 6/27/03; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Rules 24.225.512 through 24.225.514 reserved

24.225.515 FORFEITURE OF LICENSE AND RESTORATION

(REPEALED) (History: 37-18-202, MCA; IMP, 37-18-307, MCA; NEW, 1980 MAR p. 1189, Eff. 4/11/80; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1985 MAR p. 775, Eff. 6/28/85; TRANS, from Commerce, 2005 MAR p. 323; REP, 2006 MAR p. 1583, Eff. 7/1/06.)

Rules 24.225.516 through 24.225.549 reserved

24.225.550 UNPROFESSIONAL CONDUCT (1) For the purposes of implementing the provisions of 37-1-319, MCA, the board defines "unprofessional conduct" as follows:

(a) violation of any state or federal statute or administrative rule regulating the practice of veterinary medicine, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;

(b) resorting to fraud, misrepresentation, or deception in the examination or treatment of an animal, or in billing or reporting to a person, company, institution, or agency;

(c) incompetence, negligence, or use of any practice or procedure in the practice of the profession which creates an unreasonable risk of physical harm or serious financial loss to the client;

(d) possession, use, addiction to, prescription for use, diversion, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, or violation of any drug law;

(e) dispensing or prescribing a veterinary prescription drug without a valid veterinarian/client/patient relationship;

(f) failure to cooperate with an investigation authorized by the Board of Veterinary Medicine by:

(i) not furnishing any papers or documents in the possession of and under the control of the licensee;

(ii) not furnishing in writing a full and complete explanation covering the matter contained in the complaint; or

(iii) not responding to subpoenas issued by the board or the department, whether or not the recipient of the subpoena is the accused in the proceedings.

(g) practice beyond the scope of practice encompassed by the license except when reasonably undertaken in an emergency situation to protect life, health, or property;

(h) offering, undertaking, or agreeing to cure or treat disease or affliction by a secret method, procedure, treatment or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand from the board;

(i) failing to adequately supervise auxiliary staff to the extent that the patient's physical health or safety is at risk;

(j) practicing veterinary medicine after the practitioner's license is expired, terminated, revoked, or suspended;

(k) willful or repeated violations of rules established by any health agency or authority of the state or a political subdivision thereof;

(l) cruel or inhumane treatment of animals; or

(m) abandoning, neglecting, or otherwise physically abusing a patient once the veterinarian has undertaken treatment of the patient. (History: 37-1-131, 37-1-319, 37-18-202, MCA; IMP, 37-1-131, 37-1-141, 37-1-316, 37-1-319, MCA; NEW, 1989 MAR p. 1195, Eff. 8/18/89; AMD, 1996 MAR p. 2579, Eff. 10/4/96; AMD, 1999 MAR p. 411, Eff. 3/12/99; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Subchapter 6 reserved

Subchapter 7

Embryo Transfer

24.225.701 DEFINITIONS - LIMITATION ON PRACTICE (1) For the purposes of these embryo transfer rules, the phrase "nonsurgical embryo transfer" means the procedure of the removal of ova or embryos from a donor bovine animal and subsequent implantation of the embryos into a surrogate mother bovine animal, including the follow-up verification of pregnancy status.

(2) The practice of nonsurgical embryo transfer involves basic knowledge, skills and abilities in manual rectal palpation, synchronization and stimulation with hormones, administration of local anesthetics, flushing with lab media, use of microscopes, freezing and thawing of embryos, catheterizing animals, administration of antibiotics and grading of embryos.

(3) Permissible practices and procedures that may be performed by embryo transfer technicians are limited to those that fall within the scope of nonsurgical embryo transfer, as defined in this rule. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.702 and 24.225.703 reserved

24.225.704 APPLICATION REQUIREMENTS AND QUALIFICATIONS FOR CERTIFICATION (1) Applications for certification as embryo transfer technician (ETT) shall be made on forms provided by the department.

(2) Applications shall include:

- (a) a current photograph of the applicant certified by a notary;
- (b) certified transcripts verifying the required education sent directly from the college or university attended; and
- (c) an original form signed by the applicant and a veterinarian licensed to practice and residing in this state in which the veterinarian agrees to supervise the possession and administration of specific drugs necessary for embryo transfer procedures.

(3) Applicants must be at least 18 years of age and have successfully completed at least six semester hours of 300 level reproductive physiology and endocrinology courses from accredited colleges or universities.

(4) Applicants shall submit a completed application with the proper fee as set forth in ARM 24.225.401 and supporting documents to the board office no later than August 1 to be eligible for the fall examination. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; AMD, 1994 MAR p. 1993, Eff. 7/22/94; AMD, 1996 MAR p. 2579, Eff. 10/4/96; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Rule 24.225.705 reserved

24.225.706 CERTIFICATION EXAMINATIONS AND REEXAMINATIONS

- (1) Certification examinations will consist of a written examination and a practical examination.
- (2) Examinations will be administered at times and places designated by the board in advance.
- (3) The written examination will test the applicants' knowledge of reproductive physiology, embryology, endocrinology, pharmacology, grading of embryos, freezing and storing of embryos and export regulations.
 - (a) The passing score on the written examination will be 70 percent overall.
- (4) The practical examination will test the applicants' knowledge and skills in administration of epidural blocks, catheterization, use of pipettes, and palpation.
 - (a) Practical examinations will be graded on a pass-fail basis.
- (5) If an applicant fails either the written examination or the practical examination, he or she must pay the required examination fee and retake the entire examination, both written and practical.
- (6) There will be no limit on the number of times an applicant may retake the examination to qualify for certification. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.707 and 24.225.708 reserved

24.225.709 RENEWALS AND CONTINUING EDUCATION (1) A person certified as an embryo transfer technician under these rules must renew the certificate before the date set by ARM 24.101.413.

(2) The certificate shall be issued by the department upon payment of a fee fixed by the board and on presentation of evidence satisfactory to the board that the certificate holder has ten credit hours of continuing education in embryo transfer during the preceding year.

(3) New certificate holders shall be granted the renewal the first year without attending the educational programs.

(4) The board may waive, revise, or suspend continuing education requirements or particular program requirements for applicants who cannot fulfill those requirements because of individual hardship.

(5) A certificate holder may be granted a grace period of three months after the renewal date set by ARM 24.101.413 in which to fulfill continuing education requirements. This grace period will be granted only upon written request to the board, payment of the renewal fee, and payment of the late penalty fee. A certificate valid for the duration of the grace period will be issued only to a person granted a grace period.

(6) It is the responsibility of the certificate holder to maintain proof of the certificate holder's continuing education attendance.

(7) Continuing education credits obtained during a license year or grace period cannot be used for the next year.

(8) Proposed continuing education programs must be approved in advance by the board.

(9) Persons exempt from these provisions are licensed veterinarians and new certificate holders applying for their first renewal. (History: 37-1-319, 37-18-202, MCA; IMP, 37-1-131, 37-1-141, 37-1-306, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Rules 24.225.710 through 24.225.714 reserved

24.225.715 RECORD KEEPING (1) Embryo transfer technicians must make and maintain the following records related to embryo transfers.

(a) For each donor insemination, a written record of the permanent identification or registration name and registration number of the male whose semen is used. The embryo transfer technician must use his records compiled under this rule when completing forms for, or providing data to, breed associations and others.

(b) For each donor collection, a written record showing:

- (i) permanent identification or registration name and registration number of each female from which embryos were recovered;
- (ii) date of recovery of each embryo;
- (iii) the number of transferable embryos recovered, including stage and grade as established by the International Embryo Transfer Society (IETS);
- (iv) identification of each recipient to which embryos were transferred;
- (v) date of transfer of each embryo; and
- (vi) complete records of all embryos divided.

(c) For all embryos recovered:

- (i) all frozen embryos must be labeled and graded in keeping with the standardized procedures of IETS;
- (ii) an inventory record of all frozen embryos in storage must be maintained; and

(iii) a record of all divided embryos in storage must be maintained in such a manner that animals that result from divided embryos can be identified on applications for their respective registration, if necessary.

(d) For embryo transfer technicians who purchase and sell embryos, complete records of the embryo transactions at the time of sale, including, but not limited to, date of sale of all embryo sales, together with the name and address of the purchaser, the permanent identification and breed of the recipient and the identity of the embryo transferred.

- (e) For embryo transfer technicians maintaining recipient herds:
 - (i) the identity of all recipients at the time acquired;
 - (ii) the date each animal was acquired;
 - (iii) the name and address of the person or firm from whom it was acquired;
 - (iv) the official health record, including brucellosis calfhood vaccination and certificate/tag/tattoo, if available;
 - (v) a complete record of health testing, vaccinating and parasite control while the animal was in the possession or custody of the embryo transfer technician; and
 - (vi) the date of each embryo transfer and the date removed from the premises, the name and address of the person or firm receiving said recipient and the identity of the embryo.
- (f) For all embryo transfer technicians using specific drugs, a drug log on a form provided by the board showing the identity, date of acquisition and disposition of all drugs the embryo transfer technician obtains and administers.
- (2) All of the foregoing records must be maintained for a period of at least six years. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.716 through 24.225.719 reserved

24.225.720 USE OF SPECIFIC DRUGS AND SUPERVISION

REQUIREMENTS (1) Possession and administration of drugs by an embryo transfer technician is limited to the following specific drug categories:

- (a) local anesthetics;
- (b) antibiotics used in reproductive work; and
- (c) synchronizing and stimulating hormones used in reproductive work.

(2) Possession and administration of specific drugs by embryo transfer technicians must be under the supervision of a veterinarian licensed to practice and residing in Montana. Records of supervision forms signed by the technicians and the supervising veterinarians will be maintained by the board. When a new or different veterinarian agrees to supervise a technician, it is the technician's responsibility to see that a new supervision form is filed with the board. (History: 37-18-202, MCA; IMP, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.721 through 24.225.749 reserved

24.225.750 UNPROFESSIONAL CONDUCT (1) The board may, with respect to the practice of nonsurgical embryo transfer, either refuse to grant a certificate of registration or suspend or revoke a certificate of registration on the grounds and procedures set forth in 37-1-312, MCA.

(2) For the purpose of implementing the provisions of 37-18-104, MCA, the board defines "unprofessional conduct" subject to the disciplinary powers of the board for embryo transfer technicians as follows:

(a) violation of any state or federal statute or administrative rule regulating the practice of embryo transfer;

(b) resorting to fraud, misrepresentation, or deception in the examination or treatment of an animal, or in billing or reporting to a person, company, institution, or agency;

(c) incompetence, negligence, or use of any practice or procedure in the practice of embryo transfer which creates an unreasonable risk of physical harm or serious financial loss to the client;

(d) suspension, revocation, or restriction of the individual's certificate to practice embryo transfer by competent authority in any state, federal, or foreign jurisdiction for reasons that would be grounds for disciplinary sanction in this jurisdiction, a certified copy of the order or agreement being conclusive evidence of the revocation, suspension, or restriction;

(e) failing to cooperate with an investigation authorized by the Board of Veterinary Medicine by:

(i) not furnishing any papers or documents in the possession of and under the control of the certificate holder;

(ii) not furnishing in writing a full and complete explanation covering the matter contained in the complaint; or

(iii) not responding to subpoenas issued by the board or the department, whether or not the recipient of the subpoena is the accused in the proceedings.

(f) practice beyond the scope of practice encompassed by the certificate;

(g) failing to maintain appropriate records as specified in the rules of the board;

(h) failing to adequately supervise auxiliary staff to the extent that the donor or recipient's physical health or safety is at risk;

(i) performing embryo transfer while the embryo transfer technician's certificate is expired, terminated, suspended, or revoked;

(j) willful or repeated violations of rules established by any health agency or authority of the state or a political subdivision thereof; or

(k) cruel or inhumane treatment of animals. (History: 37-1-319, 37-18-202, MCA; IMP, 37-1-141, 37-1-316, 37-18-104, MCA; NEW, 1991 MAR p. 2030, Eff. 11/1/91; AMD, 1996 MAR p. 2579, Eff. 10/4/96; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Subchapter 8 reserved

Subchapter 9

Euthanasia Technicians and Agencies

24.225.901 DEFINITIONS As used in this subchapter, the following definitions apply:

- (1) "Animal" means any animal other than a human.
- (2) "Approved euthanasia drugs" means those controlled substances approved by the board for the purpose of euthanizing animals.
- (3) "Drug Enforcement Administration" or "DEA" means the federal agency for enforcement of narcotics laws. (History: 37-18-202, 37-18-603, MCA; IMP, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.902 and 24.225.903 reserved

24.225.904 APPLICATION REQUIREMENTS AND QUALIFICATIONS FOR
CERTIFICATION AND ENDORSEMENT AS A CERTIFIED EUTHANASIA
TECHNICIAN

(1) Application for certification as a certified euthanasia technician (CET) must be made on forms prescribed by the department.

(2) Applications must include:

(a) a current, within two years, photograph of the applicant, certified by a notary;

(b) documentation of successful completion of a board-approved training program taken within three years from the application date;

(c) documentation of successful completion of a board-approved written and practical examination;

(d) verification of all current employment at certified agencies;

(e) Montana Department of Justice background check verifying that the applicant has no previous criminal convictions involving dangerous drugs and/or controlled substances, domestic violence, or animal cruelty;

(f) verification from any other state or province where the applicant is certified as a euthanasia technician, that the applicant has never had certification revoked, suspended, or denied;

(g) verification that applicant is at least 18 years of age or an emancipated minor; and

(h) payment of the proper application fee.

(3) The board may allow submission of a current euthanasia technician license from another state or province to meet the requirements of (2)(b) and (c), if the board determines that the other state's or province's standards for the euthanasia certification are substantially equivalent to or greater than the standards of this state. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Rules 24.225.905 and 24.225.906 reserved

24.225.907 BOARD-APPROVED TRAINING PROGRAM CRITERIA (1) To qualify for approval under ARM 24.225.904, a euthanasia training program must:

- (a) be conducted by a qualified instructor;
- (b) include but not be limited to instruction in:
 - (i) proper dosage and handling of approved euthanasia drugs;
 - (ii) human safety and proper injection techniques;
 - (iii) pharmacology of approved euthanasia drugs;
 - (iv) proper animal handling to ease trauma and stress;
 - (v) animal anatomy;
 - (vi) proper security precautions;
 - (vii) proper record keeping; and
 - (viii) appropriate verification of death; and
- (c) issue a certificate of approval containing:
 - (i) name of applicant;
 - (ii) name of instructor;
 - (iii) title of course;
 - (iv) date of course;
 - (v) number of hours;
 - (vi) presentation format. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.908 and 24.225.909 reserved

24.225.910 CERTIFIED EUTHANASIA TECHNICIAN TEST CRITERIA

- (1) A board-approved written and practical test for CETs must include:
 - (a) Montana regulations governing CETs;
 - (b) state and DEA drug record keeping requirements including disposal of out-of-date drugs and reporting of loss or theft of drugs;
 - (c) human safety in administration of animal euthanasia;
 - (d) pharmacology of sodium pentobarbital;
 - (e) proper dosage and injection techniques of approved euthanasia drugs;
 - (f) animal anatomy; and
 - (g) verification of death.
- (2) A passing score on the written portion of the examination of 70 percent is required.
- (3) A passing score on the practical test will be determined by the successful completion of hands-on demonstrations which indicate that the applicant has been properly trained in procedures which enable the applicant safely and effectively to perform humane euthanasia with sodium pentobarbital. The practical examination will be graded on a pass/fail basis.
- (4) Applicants who fail to achieve a passing score on any portion of the exam will not be eligible for certification. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.911 through 24.225.919 reserved

24.225.920 APPLICATION FOR CERTIFIED EUTHANASIA AGENCIES

- (1) A certified euthanasia agency (CEA) may purchase and possess controlled substances approved for the purpose of euthanasia. The application for initial certification as a CEA must be made on forms provided by the department.
- (2) Applications must include:
- (a) documentation of passage of an inspection by a board-approved inspector;
 - (b) a copy of completed application sent to the DEA to possess and store controlled substances approved by the board for the purpose of euthanasia, DEA number to be reported to board when issued;
 - (c) a list of all CETs or veterinarians employed by the agency with the day, month, and year that each individual began employment;
 - (d) indication of which CET is responsible for all aspects of euthanasia at the agency; and
 - (e) payment of the proper fee. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-18-603, 37-18-604, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

24.225.921 CERTIFIED EUTHANASIA AGENCY INSPECTION CRITERIA - NOTIFICATION OF DEFICIENCIES AND CORRECTIONS (1) An inspection of a CEA must be conducted annually by the board or a person authorized by the board with its full authority.

(2) The inspection must include:

(a) verification that the area and equipment is appropriate for animal euthanasia;

(b) verification of the correct security, storage, disposal and labeling of euthanasia drugs;

(c) verification of correct drug record keeping;

(d) appropriate sanitation; and

(e) any other condition that the board determines is relevant to the proper euthanasia of animals.

(3) If the inspector determines that a deficiency substantially affects the public health, safety, or welfare or jeopardizes animals under the control of the CEA, the inspector must immediately inform law enforcement and the board which may summarily suspend the CEA's certificate pursuant to 2-4-631, MCA and applicable Montana law. If a less serious deficiency is found after inspection, it must be communicated to the agency and the board in writing. The CEA must correct any such deficiency within 30 days from the date of the inspection. If a second inspection is required, a second inspection fee must be paid by the agency. Failure to sufficiently correct a noted deficiency will be addressed as a disciplinary matter by the screening panel of the board and the board may notify the DEA. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.922 through 24.225.924 reserved

24.225.925 RENEWALS (1) CETs must recertify on a form or by a method approved by the board on or before the date set by ARM 24.101.413 of every year, beginning in 2005. The certification renewal application must include:

(a) verification of satisfactory completion of a board-approved euthanasia course and examination documenting continued competency taken within the 36 months immediately preceding the current renewal deadline date;

(b) verification of current employment at a CEA; and

(c) payment of the proper fee.

(2) CEAs must renew certification on a form or by a method approved by the board on or before the date set by ARM 24.101.413 of every year, beginning in 2005. The renewal application must include:

(a) verification of completion of satisfactory inspection within 12 months of the current renewal deadline date;

(b) a list of currently employed CETs or veterinarians with day, month, and year that each individual began employment and indication of which CET is responsible for all aspects of euthanasia at the agency;

(c) the proper fee; and

(d) verification of current DEA registration.

(3) Renewal notices will be sent as specified in ARM 24.101.414.

(4) A CET's or CEA's renewal certificate shall be valid for one year following the renewal date of the previously held certificate.

(5) The fee for any certificate holder who fails to recertify or submit the proper fee prior to the renewal date must pay the late penalty fee specified in ARM 24.101.403. Certification renewal forms may not be processed until all required documentation is received in the board office and all fees are paid.

(6) The provisions of ARM 24.101.408 apply. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-1-141, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

24.225.926 TERMINATION OF CERTIFIED EUTHANASIA TECHNICIAN EMPLOYMENT AND RETIREMENT OF CERTIFICATE (1) A CEA must notify the board in writing within ten days of the date of termination of a CET. The certificate of the CET must be retired by the board upon notification that the technician is no longer employed by a CEA as required by law.

(2) A CET must notify the board in writing within ten days of the change in employer or addition of a new CEA employer.

(3) A CET can restore the certificate without payment of a fee once reemployed at a CEA, until the next consecutive renewal date. (History: 37-1-131, 37-18-202, 37-18-603, MCA; IMP, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, 4/11/08.)

Rules 24.225.927 through 24.225.929 reserved

24.225.930 APPROVED EUTHANASIA DRUGS (1) The following drug is an approved euthanasia drug:

(a) sodium pentobarbital. (History: 37-1-131, 37-18-603, MCA; IMP, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323.)

Rules 24.225.931 through 24.225.949 reserved

24.225.950 UNPROFESSIONAL CONDUCT (1) For the purposes of implementing the provisions of 37-1-319, MCA, and in addition to 37-1-316, MCA, the board further defines unprofessional conduct as follows:

- (a) violation of any state or federal statute or administrative rule regulating the practice of animal euthanasia, including any statute or rule defining or establishing standards of animal euthanasia or professional conduct or practice;
- (b) cruel or inhumane treatment of animals;
- (c) incompetence, negligence, cruelty, or use of any practice or procedure in the practice of animal euthanasia, which creates an unreasonable risk of physical harm to the animal, staff, or public;
- (d) possession, use, addiction to, diversion, or distribution of controlled substances in any way other than for legitimate euthanasia purposes, or violation of any drug law;
- (e) failure to cooperate with an investigation or inspection authorized by the Board of Veterinary Medicine;
- (f) failure to maintain sanitary facilities or apply sanitary procedures for euthanizing animals;
- (g) practicing as a CEA or as a CET if a certificate is retired, expired, terminated, revoked, or suspended;
- (h) willful or repeated violations of rules established by any health agency or authority of the state or a political subdivision thereof;
- (i) resorting to fraud, misrepresentation, or deception in the euthanasia of an animal;
- (j) failure to have current DEA registration;
- (k) failure to report to the board termination or change of employment for a CET within ten days;
- (l) use of unapproved drugs for euthanasia; or
- (m) euthanasia of an animal for which the CET has not received training.

(History: 37-1-131, 37-1-319, 37-18-202, 37-18-603, MCA; IMP, 37-1-316, 37-1-319, 37-18-603, MCA; NEW, 2004 MAR p. 1324, Eff. 6/4/04; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Subchapters 10 through 23 reserved

Subchapter 24

Complaint Procedures

24.225.2401 COMPLAINT PROCEDURE (1) A person, government, or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the department.

(3) Upon receipt of the written complaint form, the department shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, both complaint and response shall be considered by the screening panel of the board for appropriate action including dismissal, investigation, or a finding of reasonable cause of violation of a statute or rule. The department shall notify both complainant and licensee of the determination made by the screening panel.

(4) If a reasonable cause violation determination is made by the screening panel, the Montana Administrative Procedure Act shall be followed for all disciplinary proceedings undertaken.

(5) The screening panel shall review anonymous complaints to determine whether appropriate investigative or disciplinary action may be pursued, or whether the matter may be dismissed for lack of sufficient information. (History: 37-18-202, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1996 MAR p. 2579, Eff. 10/4/96; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08.)

Rules 24.225.2402 through 24.225.2404 reserved

24.225.2405 SCREENING PANEL (1) The board screening panel shall consist of at least four board members, three of whom shall be the licensed veterinarian board members who have served on the board the longest, and one of whom shall be the public member of the board. The president may reappoint or replace screening panel members as necessary at the president's discretion. (History: 37-18-202, MCA; IMP, 37-1-307, MCA; NEW, 1996 MAR p. 2579, Eff. 10/4/96; TRANS, from Commerce, 2005 MAR p. 323; AMD, 2008 MAR p. 633, Eff. 4/11/08.)